Notice of Allowability	Application No.	Applicant(s)	
	09/020,122	KIRKLIN ET AL.	
	Examiner	Art Unit	
	JAGDISH PATEL	3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *amendment filed 11/13/06*.

2. ☒ The allowed claim(s) is/are *1-15,26-39 and 54*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. This communication is in response to amendment filed 11/13/06.

2. Claims 1-15, 26-39 and 54 remain pending and allowed.

Drawings

The formal drawings submitted on 6/20/03 are acknowledged and acceptable.

Allowable Subject Matter

3. Claims 1-15, 26-39 and 54 are allowed.

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance:

Claims 1-15, 26-39 and 54: the claimed invention(s) pertains to a system for interactive transfer of inventory information in a product storage space.

The following references have been identifies as closest prior art that pertaining to the allowed claims.

Weins et al (US Pat. 5,808,894) disclose an automated ordering method, wherein a customer composes an order at a remote location into a customer computer. A connection is initiated between the customer computer and a vendor computer at a central location. The order is subsequently transmitted to the vendor computer. Weins fails to teach or suggest merchandise order fulfillment path or confirmation of product quantity as discussed below.

Barrus et al. (US Pat. 5,465,291) disclose an interactive terminal for enabling users to order items from the central location with the aid of machine readable bar codes descriptive of the items to be ordered. Barrus fails to teach or suggest merchandise order fulfillment path or confirmation of product quantity as discussed below.

Doyle et al. (US Pat. 5,694,551) teach an electronic requisitioning system for channeling customer requisition order. A customer accessing an electronic item catalog and requisition form to place an order transmitted to a central facility. Doyle fails to teach or suggest merchandise order fulfillment path or confirmation of product quantity as discussed below.

Bunte et al. (US Pat. 5,873,070) teach a data collection system that utilizes partially integrated data collection and gathering devices and related peripherals. In particular, Bunte fails to teach a translating means for converting digital data signals received from a scanning means to DTMF-encoded transfer signals for transmittal to the base station. Bunte also fails to teach or suggest an order fulfillment path includes a sequence of person movement instructions for directing person movements between product storage locations in the product storage space.

Helms (US Pat. 5,561,710) teaches an interactive voice communication terminal which provides alpha and numeric characters transmitted from a DTMF generator to access database by interfacing with the mouthpiece of a handset via a transducer. Helms fails to teach a translating means for converting digital data signals received from a scanning means to DTMF-encoded transfer signals for transmittal to the base station. Helms also fails to teach or suggest an order fulfillment path includes a sequence of person movement instructions for directing person movements between product storage locations in the product storage space.

Cerney, Jr. (US Pat. 5,395,206) (Cerney) describes a system for filling orders in warehouse, which utilizes a main conveyer for routing items in the warehouse to a primary and secondary picking area.

Walsh (US Pat. 6,144,848) teaches a handheld remote control wand having bar code, sound, voice and visual telecommunication systems for controlling a host computer server. Basically, the Walsh patent teaches a system in which DTMF signals are employed as a "switch signal" code to change the mode of transmission from a voice mode to a data transmission mode (where voice is excluded until changed back to voice mode). However, nothing in the Walsh patent states or suggests that any data transmission, and particularly any signals carrying bar code indicia, is carried on using DTMF signals. To the contrary, the Walsh patent appears to

suggest to one of ordinary skill in the art that conventional modem signals are used to communicate or transmit data once the "switch signal" code has been transmitted using DTMF.

Claims 1-12: The prior art references fail to teach or suggest a system for interactive transfer of inventory information wherein a portable station comprises a scanning means and a translating means, and which communicates with a base station having a translation means for translating DTMF-encoded transfer signals received the portable station, where the scanning means scans bar scans bar code indicia on a product and is produces digital data signals based upon the scanned bar code indicia and using the associated translating means the digital data signals received from the scanning means into DTMF-encoded transfer signals which are transmitted to the translating means of the base station.

Claims 13-15: The prior art references fail to teach or suggest a portable station which comprises a translating means for converting digital data signals received from a scanning means, where the translating means is adapted to convert the digital data signals into DTMF-encoded transfer signals and transmits the transfer signals to the an interface means for interfacing to a transceiver of the portable station for wirelessly transmitting signals to and receiving signals from a transceiver means of a base station.

Claims 26-39: The prior art references fail to teach or suggest method or system for merchandise ordering and fulfillment or interactive transfer of inventory information which comprise the feature of (process of or means for) determining an order fulfillment path through said product storage space based upon order fulfillment information and product location information stored in said database means for a product storage space, said order fulfillment path including a sequence of person movement instructions for directing person movements between product storage locations in said product storage space for permitting an efficient assembly of products to fulfill a customer order, said directing means passing said person movement instructions to the first transceiver means for transmission to said second

Transceiver means of said portable station. The closest prior art (see e.g. Cerney) describes a "pick list" of items that is carried by the picker while picking items, but does not include person movement instructions that define a path. Se also Cerny at col. 8, line 66 through col. 9, line 4: "The picker, instead of being directed by his pick slip to pick a particular described item, is directed to pick the item in a particular designated bin. As a double check to the system, the pick slip directing the picking may also have a designation of the item that is supposed to be located in that bin during this pick period, but it is not required."

Thus, Cerny describes a practice where the identity of items to be picked was given to the picker, but fails to describes any description of person movement instructions as discussed above.

Claim 54 is allowed because the identified most relevant prior art of record fails to teach or suggest a method of merchandise ordering and order fulfillment which comprises providing the customer with an option to respond, according to the customer's preference, with a requested product identification in spoken words and an option to respond with a requested product identification in DTMF-encoded signals. Note that Walsh patent teaches the DTMF only as a " "switch signal" as described above.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748. The examiner can normally be reached on 800AM-630PM Mon-Tue and Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **KRAMER JAMES A** can be reached on **(571)272-6783**. The fax phone number for the organization where this application or proceeding is assigned is 517-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jagdish N. Patel
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3/2/07